

LEWIS
ANDROCA
LLP

L A W Y E R S

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3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

40 North Central Avenue, Suite 1900
Phoenix, Arizona 85004-4429
Facsimile (602) 734-3824
Telephone (602) 262-5756

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under Case No.
BK-S-06-10725 LBR

**STIPULATION RE WITHDRAWAL
OF PROOF OF CLAIM NO. 10725-
00563 FILED BY PAEPAE ESTATE
TRUST DTD 5/1/00**

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

The USACM Liquidating Trust (the "USACM Trust"), by and through its undersigned counsel, and Paepae Estate Trust DTD 5/1/00 ("Claimant"), stipulate:

1. Claimant filed a Proof of Claim ("Claim") No. 10725-00563 on October 12, 2006, in the amount of \$250,000.00.

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LAWYERS

1 2. On August 27, 2007, USACM Trust notified Claimant of discrepancies with
2 respect to the Claim and gave Claimant the option to correct the discrepancies or withdraw
3 the Claim.

4 3. Claimant notified the USACM Trust that Claimant wants to withdraw the
5 proof of claim filed in this case.

6 Therefore, the parties stipulate and agree that Claimant withdraws proof of claim
7 No. 10725-00563 filed on October 12, 2006, in the amount of \$250,000.00 and no further
8 notice shall be given to Claimant. Claimant will receive no distribution from the USACM
9 Trust on account of the Claim, but this does not affect any payments Claimant may be
10 entitled to receive from the current or future servicing agent on pending Direct Lender
11 loans from current or future Borrower loan payments.

12 DATED: 9/14/07

13
14 **LEWIS AND ROCA LLP**

15 By: /s/ RC (#6593)

16 Susan M. Freeman, AZ 4199 (*pro hac vice*)

17 Rob Charles, NV 6593

18 *Counsel for USACM Liquidating Trust*

19 -and-

20 DATED: 8/30/07, 2007.

21 Kimberly Havins

22 Kimberly Havins

23 Trustee for the Paepae Estate Trust

24 DTD 5/1/00

25 3125 Shadowleaf Court

26 Las Vegas, Nevada 89117-3256